

ESTTA Tracking number: **ESTTA84119**

Filing date: **06/06/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Passgo Technologies Limited		
Entity	Corporation	Citizenship	United Kingdom
Address	Horton Manor Horton Cross Ilminster, Somerset, GB TA19 9PY UNITED KINGDOM		

Attorney information	Rene M. LaForte Thompson Hine LLP 2000 Courthouse Plaza, NE 10 W. Second Street Dayton, OH 45402 UNITED STATES Trademarks@ThompsonHine.com, Rene.LaForte@ThompsonHine.com, Kenneth.Germain@ThompsonHine.com Phone:937-443-6817
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Applicant Information

Application No	78654482	Publication date	05/09/2006
Opposition Filing Date	06/06/2006	Opposition Period Ends	06/08/2006
Applicant	Siber Systems Inc Suite 260 11781 Lee Jackson Hwy Fairfax, VA 22033 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2003/05/28 First Use In Commerce: 2003/05/28
All goods and services in the class are opposed, namely: Computer Software for storing and filling online login and password information on portable devices

Attachments	NoticeofOppositionPASS2GO.tif (5 pages)(356532 bytes)
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Signature	/rmlaforte/
Name	Rene M. LaForte
Date	06/06/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application Serial No. 78/654,482
For the mark PASS2GO
Published in the Official Gazette on May 9, 2006

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Passgo Technologies Limited,	*	
	*	
Opposer,	*	Opposition No. _____
	*	
v.	*	
	*	
Siber Systems Inc.,	*	
	*	
Applicant.	*	
	*	

NOTICE OF OPPOSITION

Opposer, Passgo Technologies Limited, a corporation organized and existing under the laws of the United Kingdom, believes that it will be damaged by registration of the mark PASS2GO in Application Serial No. 78/654,482, and hereby opposes registration of the same by Siber Systems Inc.

As grounds for the opposition, it is alleged that:

1. On June 20, 2005, Siber Systems Inc. (hereinafter "Applicant") applied to register the word mark PASS2GO on the Principal Register as a trademark for "Computer Software for storing and filling online login and password information on portable devices" in International Class 9. This application was assigned Serial No. 78/654,482 and was published for opposition in the Official Gazette of the United States Patent and Trademark Office on May 9, 2006.

2. Upon information and belief, Applicant is a corporation organized and existing under the laws of the Commonwealth of Virginia, with its principal place of business located at 11781 Lee Jackson Highway, Suite 260, Fairfax, Virginia 22033-3321.
3. According to its application, Applicant began using the PASS2GO mark in interstate commerce on May 28, 2003.
4. Upon information and belief, Applicant made no use of the term "PASS2GO" as a trademark in the United States prior to May 28, 2003.
5. Opposer provides interoperable computer hardware and software solutions for controlling, enabling, and managing access rights and privileges for people, applications, and devices.
6. Opposer's software and hardware are designed to work seamlessly and transparently in complex environments and feature applications in the fields of authentication, web access management and privilege management, single sign-on, audit and password management.
7. Opposer's predecessor-in-interest applied for federal registration of the mark PASSGO (App. Ser. No. 75/444,876) on March 5, 1998. The application subsequently registered on August 8, 2000 and was assigned U.S. Reg. No. 2,375,783.
8. Opposer, by way of assignment, is now the registered owner of U.S. Reg. No. 2,375,783 for the mark PASSGO for "computer programs and computer hardware for providing secure access to computer systems and programs in computer networks; and computer programs and computer hardware for authenticating, authorizing, registering, cataloguing, logging on and off, monitoring, controlling, tracking, and timing users or user activity and synchronizing passwords in secure computer networks" in International Class 9.

9. Opposer (through its predecessors-in-interest) began using PASSGO as a trademark for its software and hardware since at least as early as February 10, 2000.
10. Opposer (and/or its predecessors in interest) has continuously used and is currently using the mark PASSGO in interstate commerce in connection with the above-mentioned goods.
11. Opposer has filed a Combined Declaration of Use and Incontestability under Sections 8 and 15 of the Trademark Act in connection with U.S. Reg. No. 3,375,783, thereby extending the life of this registration and elevating its status to "incontestable."
12. Opposer (and/or its predecessors-in-interest) first used its PASSGO mark in interstate commerce prior to any such use of the mark PASS2GO in interstate commerce by Applicant. Opposer's use of the mark has been continuous to the present time.
13. Opposer has superior rights in and to the PASSGO name and mark because, on information and belief, its usage pre-dates Applicant's usage.
14. Opposer has developed valuable goodwill in respect to its PASSGO mark by virtue of its sales and advertising efforts, the expenditure of considerable sums for promotional activities, and the high quality of its goods.
15. Applicant's alleged mark, PASS2GO, is substantially similar to Opposer's mark, PASSGO, in sound, appearance, meaning and commercial impression.
16. The respective goods of Applicant and Opposer are closely related and would be promoted through the same channels of trade.
17. The use and registration of Applicant's mark, PASS2GO, is likely to cause confusion, or mistake, or deception of purchasers as to Opposer's PASSGO mark, as well as to the source of origin of the respective goods of Applicant and Opposer.

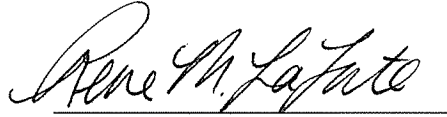
18. Applicant's mark, PASS2GO, is likely to cause irreparable loss, injury, and damage to Opposer's business and to the goodwill appertaining thereto as symbolized and recognized by its aforesaid mark.
19. In view of the similarity of Applicant's PASS2GO mark to Opposer's PASSGO mark, and in further view of the relatedness of the goods with which the marks are used, the use and registration of Applicant's mark with the goods specified in the application is likely to cause confusion, mistake, and deception within the meaning of Section 2(d) of the Trademark Act of 1946 (15 U.S.C. §1052(d)) and will result in irreparable damage and injury to Opposer.
20. If Applicant is granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of its alleged mark in commerce. Such registration would be a source of damage and injury to the Opposer.
21. Opposer has no control over the nature and quality of Applicant's goods under the mark Applicant seeks to register, and any dissatisfaction with Applicant's goods perceived by the affected public would reflect adversely on Opposer, thus damaging Opposer's valuable and established goodwill and reputation.
22. In view of the foregoing facts, Opposer believes that it will be damaged by Applicant's registration of "PASS2GO."

WHEREFORE, Opposer prays that this Opposition be sustained and that App. Ser. No. 78/654,482 be denied registration.

The \$300.00 required fee is being submitted herewith by credit card. Should this fee be insufficient for any reason, please charge Deposit Account No. 20-0809.

Respectfully Submitted,

Dated: June 6, 2006

A handwritten signature in cursive script, reading "Rene M. LaForte", written over a horizontal line.

Kenneth B. Germain
Rene M. LaForte
Attorneys for Opposer

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